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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/757,807	01/10/2001	Nobuhiro Komata	SCEI 17.998	7356
26304	7590	06/05/2006	EXAMINER	
KATTEN MUCHIN ROSENMAN LLP			PAPPAS, PETER	
575 MADISON AVENUE			ART UNIT	
NEW YORK, NY 10022-2585			PAPER NUMBER	
			2628	

DATE MAILED: 06/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/757,807	Applicant(s) KOMATA, NOBUHIRO	
	Examiner Peter-Anthony Pappas	Art Unit 2628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,4,5,7,9 and 12-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4,5,7,9 and 12-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1, 4, 5, 7, 9 and 12-16 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter (...wherein the phrase components are sequentially displayed on the screen in said pre-defined order at a first rate that is a linear function of a second rate of change per unit time of an output value of the variable output controller pressure sensing means; ...wherein said phrase components are sequentially displayed as a linear function of a rate of change between a previous pressure sensing output value and a current pressure sensing output value; wherein said phrase components are sequentially displayed as a linear function of a rate of change per unit time of said variable pressure sensing output value) which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention (p. 2, lines 13-26; p. 4, lines 15-17; p.8, lines 1-6; p. 14, lines 9-21; p. 20, lines 5-17).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2628

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 4-5, 7, 9, 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blaskey et al. (U.S. Patent No. 5, 606, 344) in view of Armstrong (U.S. Patent No. 5, 999, 084).

5. In regards to claim 1 Blaskey et al. teaches an information display apparatus for use when giving a presentation or speech. A presenter may prepare, for example, a speech or presentation and store the text of the speech in the storage means. The information display apparatus may then be set up wherever the speech or presentation is to be given and the text of the speech can be displayed on the display means – typically a small screen. The display of the text on the screen is controllable and said text may be advanced manually or scrolled as required – i.e. automatically at a predetermined speed or speeds (Abstract; column 1, lines 9-10; column 1, lines 42-60; column 2, lines 39-46; Fig. 1; Fig. 3). It is noted said speech or presentation is considered to read on the limitation of a “phrase” and that said speech or presentation is considered to comprise a plurality of words ordered in a pre-defined manner forming a syntactic unit.

Blaskey et al. teaches that during the making of a speech, the user employs the small keypad 12 to control at least the display of text on the screen 2. Where as few as four keys 12a only are provided on the keypad 12, the controller may be programmed so that the keys provide different functions when pressed singly and in combinations. Pressing a selected pair of keys together may for example cause the text on the screen

Art Unit: 2628

2 to scroll at a pre-selected speed, with a single key on the keypad 12 thereafter pausing the scrolling (column 6, lines 3-24).

Blaskey et al. teaches that operation commands are stored in the memory 15 (recording medium) in conjunction with the text to be displayed on the display 2, and control of the display 2 by the key pad causes those operation commands to be retrieved from the memory 15 by the controller 9 and passed to the transmitter 12 at a time which is synchronized with the display of an appropriate part of the text by the display 2 (column 5, lines 7-15).

Blaskey et al. fails to explicitly teach wherein a magnitude of an output value from said output pressure sensing means determines the sequential rate at which the phrase components are displayed on the screen. Armstrong teaches the ability to variably increase and reduce the sensor output dependent on the pressure exerted by the user in order to move faster or slower on a display (column 2, lines 66-67; column 3, lines 1-6). Armstrong further teaches that the compressive force on a variable conductance material (column 10, lines 53-59) causes objects to move faster or slower on the screen as shown above. It is noted that in accordance with Newton's second law of motion the change in velocity with which an object moves is directly proportional to the magnitude of force applied to the object.

It would have been obvious to one skilled in the art, at the time of the applicant's invention, to incorporate the teachings of Armstrong into the apparatus taught by Blaskey et al., because Blaskey et al. utilizes an input device (keypad) which includes pressure-sensitive keys for controlling display information (column 6, lines 3-23) and

Art Unit: 2628

through such incorporation it would grant a given user the ability to exert greater control and precision in regards to how said display information is controlled by allowing said user to speed up or slow down said display information at will (Armstrong: column 2, lines 66-67; column 3, lines 1-6).

It is implicitly taught through the teachings of Blaskey et al. and Armstrong that said displayed text is at a first rate (i.e. rate of zero, wherein said text is paused) which is a linear function of a second rate of change per unit time (i.e. rate as defined by said predetermined speed, wherein said text is scrolling at said predetermined speed) of an output value of the variable output controller pressure sensing means. It is noted that multiplying said predetermined speed by a value of zero, to arrive at a rate of zero wherein said text is paused, is considered a linear function.

6. In regards to claim 4 the rationale disclosed in the rejection of claim 1 is incorporated herein. It is noted said apparatus is considered to perform the method. In regards to the limitation "...until said message is displayed" it is implicitly taught by Blaskey et al. that said keypad is used until said speech or presentation is displayed. It is noted that pressing a selected pair of keys together to cause the text on the screen to scroll at a pre-selected speed and then pressing a single key on the keypad thereafter pausing the scrolling (column 6, lines 3-24) is considered a to constitute a rate of change for the scrolling of text between previous pressuring sensing output value and a current pressure sensing output value, respectively.

7. In regards to claim 5 the rationale disclosed in the rejection of claim 2 is incorporated herein.

Art Unit: 2628

8. In regards to claim 7 Blaskey et al. fails to explicitly teach using a correspondence table to determine said sentence components to be sequentially displayed in accordance with said display rate and said variable pressure sensing output value. It is extremely well known to use databases comprising data tables (correspondence table) for the storage, retrieval and processing of data and thus it would have been obvious to one skilled in the art, at the time of the applicant's invention, to utilize databases as the means by which to store, retrieve and process information on the recording means taught by Blaskey et al., because databases provide a conventional means by which to store, retrieve and process data and do not require specific hardware for implementation thus allowing said databases to operate on a plurality of computer systems.
9. In regards to claim 9 the rationale disclosed in the rejection of claim 1 is incorporated herein.
10. In regards to claim 12 the rationale disclosed in the rejection of claim 7 is incorporated herein.
11. In regards to claim 13 the rationale disclosed in the rejection of claim 4 is incorporated herein.
12. Claims 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blaskey et al. (U.S. Patent No. 5, 606, 344) and Armstrong (U.S. Patent No. 5, 999, 084), as applied to claims 1, 4-5, 7, 9, 12 and 13, in view of Teruo (U.S. Patent No. 5, 311, 779).

13. In regards to claim 14 Blaskey et al. and Armstrong fail to explicitly teach a correction for a maximum value of the second rate of change to a program-set maximum pressure sensing value rate of change. However, it's noted that said system is not considered to support the processing of infinite values of pressure. Teruo teaches in the case that a pressure exceeding the maximum allowable value acts on the contact 4 the deformation of the pressure-sensitive and conductive elastomer sheet 2 is prevented from exceeding the predetermined fact (column 7, lines 29-34). It is implicitly taught through the teachings of Blaskey et al. and Armstrong that the output from said sensor would be proportionally corrected (stored with some degree of precision as defined by said system, regardless of the actual value of pressure applied) for intermediate (non-maximum) values.

It would have been obvious to one skilled in the art, at the time of the applicant's invention, to incorporate the teachings of Teruo into the system taught by Blaskey et al. and Armstrong, because through such incorporation it would allow for usable, non-erroneous, output value to be produced in the situation where said sensor pressure threshold is breeched, thus allowing for said sensor to continue to function regardless of the degree of pressure input without having to meet the limitations of being able to handle, for instance, the application of infinite pressure, which is unrealistic.

14. In regards to claim 15 the rationale disclosed in the rejection of claim 14 is incorporated herein.

15. In regards to claim 16 the rationale disclosed in the rejection of claim 14 is incorporated herein.



***Response to Arguments***

16. In response to Applicant's remarks that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). Applicant is directed to Armstrong: column 2, lines 66-67, and column 3, lines 1-6.

17. In response to Applicant's remarks that neither reference discloses or suggests that a magnitude of an output value obtained from a variable output pressure sensing means determined the sequential rate at which the phrase components are displayed on screen the Applicant is directed to the rejection of claims 1, 4 and 9 above.

Armstrong teaches the ability to variably increase and reduce the sensor output dependent on the pressure exerted by the user in order to move faster or slower on a display (column 2, lines 66-67; column 3, lines 1-6). Armstrong further teaches that the compressive force on a variable conductance material (column 10, lines 53-59) causes objects to move faster or slower on the screen as shown above. It is noted that in accordance with Newton's second law of motion the change in velocity with which an object moves is directly proportional to the magnitude of force applied to the object.

18. Applicant's remarks have been fully considered, but are not deemed persuasive.

***Conclusion***

19. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter-Anthony Pappas whose telephone number is 571-272-7646. The examiner can normally be reached on M-F 9:00am-5:30pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ulka Chauhan can be reached on 571-272-7782. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2628

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Peter-Anthony Pappas  
Examiner  
Art Unit 2628

PP

  
ULKA CHAUHAN  
SUPERVISORY PATENT EXAMINER